

**CALIFORNIA COASTAL COMMISSION**

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**Th19b**

Filed: 04/03/2003  
 49-day Waiver: 04/16/2003  
 Staff: M. Watson  
 Staff report: 05/23/2003  
 Hearing date: 06/12/03  
 Hearing item number: Th19b

**APPEAL SUBSTANTIAL ISSUE DETERMINATION & DE NOVO HEARING**


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**Appeal number.....A-3-MRB-03-043, Morro Bay State Park Renovation**

**Applicant.....California Department of State Parks**

**Appellants.....California Department of State Parks**

**Local government .....City of Morro Bay**

**Local decision.....Denial**

**Project location.....Morro Bay State Park in Morro Bay (San Luis Obispo County) Exhibit A**

**Project description.....Rehabilitation of an existing campground including realigning campsites and entrance station, rehabilitating and retrofitting 3 comfort stations to ADA compliance, removal of non-native trees, and restoring campground area with native trees and vegetation.**

**File documents.....City of Morro Bay Certified Local Coastal Program (LCP); City of Morro Bay CDP Application File 39-02R.**

**Staff recommendation ....Substantial Issue Exists; Approve with Conditions**

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**Summary of staff recommendation:** The California Department of Parks & Recreation (DPR) proposes to rehabilitate the Morro Bay State Park campground facilities by bringing the aging campground into compliance with current codes and the American's with Disabilities Act (ADA). The project includes improving and realigning the campground loop roads, paving parking spurs, constructing three new combination restroom-shower facilities, and relocating the entrance station. To allow more light onto the campground floor and to facilitate the campground loop road realignment and parking spurs, DPR proposes to remove 74 mostly non-native trees or shrubs. Tree removal will be mitigated by planting approximately 1200 trees and shrubs taken from a palette of native species.

On March 10, 2003, the City Council upheld an appeal of the project on the basis that the project is inconsistent with the certified LCP standards requiring the protection of visual resources and the preparation of a management/master plan for the state park unit. Council members expressed concern that the project would alter the forested characteristics of the campground and disrupt monarch butterfly habitat. In upholding the appeal, the project was denied. The Department of Parks and Recreation has appealed the denial of the public works project under Coastal Act section 30603 (b)(2) alleging that the project is in fact consistent with the visual and access policies of the City's certified LCP.



**California Coastal Commission**

June 12, 2003 Meeting in Long Beach

Staff: M. Watson Approved by:

A-3-MRB-03-043 MRB SP Rehab strpt 5.23.03.doc

Staff recommends that the Commission determine the appeal raises a substantial issue because the denial of the project is not supported by the policies of the certified LCP. These policies require DPR to prepare a management plan for the state park unit and to protect views to and along the coast. DPR did prepare, and the City adopt, a management plan for Morro Bay State Park in 1988. With regards to scenic resources, nearly all the proposed development will occur within the existing confines of the campground, which is almost entirely surrounded by trees. Thus, visual impacts associated with the proposed development do not rise to a level of significance.

Staff further recommends that the Commission approve the project with conditions to ensure that the project protects coastal resources and is consistent with the requirements of the LCP. As noted above, the proposed project will result in the restoration and enhancement of a popular public access and low-cost visitor serving facility. As such, it will enhance access and recreational opportunities as well as scenic resources through landscaping improvements. However, certain aspects of the project such as tree removal, widening and paving of campground loop roads and parking spurs, and redirecting campground traffic could result in significant impacts to archaeological resources, environmentally sensitive habitats, and water quality. DPR has submitted mitigation measures and best management practices proposed to address some of the issues associated with the proposed renovation of the campground. Additional conditions are needed to conform to the water quality, ESHA, and archaeological standards of the certified LCP.

Specifically, the recommended conditions:

- Carry out the LCP policies for the protection of ESHA by establishing a 100-foot “no tree removal” buffer around the identified monarch butterfly habitat; require day use parking be moved to respect 100-foot buffer around habitat; limit construction activities during roosting and nesting season; restrict use of the campsites and campground loop road during roosting season; and re-vegetate with native plants that provide nectar for butterflies.
- Implement LCP policies for water quality resources by requiring Best Management Practices to address construction impacts; staging of equipment and materials; containing sediments and runoff; establishing grading plan; and requiring post-construction BMP’s to treat, infiltrate or filter storm water runoff.
- Carry out LCP policies for the protection of archaeological resources by requiring an archaeological mitigation and monitoring plan; retention of a qualified archaeologist and a Native American monitor during all ground disturbing construction activities; and training of construction personnel on the sensitivity of archaeological resources.



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## 1. Appeal of City of Morro Bay Decision

### A. City of Morro Bay Action

On March 10, 2003, the Morro Bay City Council upheld an appeal of the City Planning Commission's decision to approve the Coastal Development Permit to rehabilitate the campground facilities at Morro Bay State Park. The City Council denied the project, finding it inconsistent with the Local Coastal Program's Shoreline Access and Recreation Policy 1.32, Visual Resources Policies 12.01 and 12.02, and Zoning Ordinance Section 17.48.190 (Protection of Visual Resources and Compatible Designs). A Final



Local Action was received in the Commission's Central Coast District Office on March 24, 2003; a request for an appeal of the local governments decision was received March 21, 2003.

## B. Appeal Procedures

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is a major public works.

Section 30603(b)(2) provides that the grounds for an appeal of a denial pursuant to 30603(a)(5) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies of the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is not so located and thus this additional finding would not need to be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant/Agent, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.

## C. Appellants' Contentions

The Appellants (Department of Parks & Recreation) contend that the proposed project is consistent with the certified LCP and that the City's denial is not supported by LCP requirements. For a copy of the appellant's contentions, please refer to Exhibit B.

In response to alleged inconsistencies with LCP policies requiring a master plan for the park, the Department of Parks and Recreation contends the project is consistent with the master plan prepared for Morro Bay State Park. This plan provides the management and policy guidance supporting the proposed development including renovating or replacing all existing campground facilities, relocating the entrance



station and campfire center, and reducing invasive exotic plant species in the unit except for trees that are providing important wildlife habitat. In response to concerns regarding inconsistencies with LCP visual protection standards, the appeal states, the project will restore, rehabilitate, and enhance the public access and recreational opportunities at Morro Bay State Park and not result in any adverse impacts to visual resources to or along the coast.

## 2. Staff Recommendation

### A. Staff Recommendation on Substantial Issue

The staff recommends that the Commission determine that a **substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

***Motion.** I move that the Commission determine that Appeal Number A-3-SCO-02-088 raises **no** substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act.*

***Staff Recommendation of Substantial Issue.** Staff recommends a **no** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.*

***Resolution To Find Substantial Issue.** The Commission hereby finds that Appeal Number A-3-SCO-02-088 presents a substantial issue with respect to the grounds on which the appeal has been filed under §30603 of the Coastal Act regarding consistency with the Certified Local Coastal Program.*

## Recommended Findings and Declarations

The Commission finds and declares as follows:

## 3. Project Description

### A. Project Location

Morro Bay State Park is located in the City of Morro Bay, San Luis Obispo County, California. The park is comprised of two large adjacent parcels, the Morro Rock Natural Preserve and the main park, totaling approximately 2,700 acres. The campground is located in the main park and is generally bound by the City



of Morro Bay to the north, undeveloped open space to the east, and Morro Bay to the south and west. Morro Bay State Park lies directly along the shoreline of Morro Bay. The Park includes both highly developed recreational areas (e.g., golf course and marina) and relatively pristine natural areas with high habitat values (e.g., Black Hill, Chorro and Los Osos Creeks, and the Morro Estuary Natural Preserve). Habitat communities of the park include coastal sage scrub, wetland, coastal marshlands, coastal dunes, Monterey pine forest, blue gum eucalyptus forest, and mixed exotic species forest. Unlike the pristine areas identified above, the natural environment of the campground has been greatly modified over time. Most of the vegetation has been introduced and is non-native to the area. Examples of the tree species introduced to the park include eucalyptus, Monterey pine, Monterey cypress, and assorted shrubs.

## B. Project Description

The Department of Parks & Recreation seeks a Coastal Development Permit to renovate the Morro Bay State Park campground. After a lengthy scoping process and numerous public meetings, an EIR was distributed for public comment in 2001 on a proposed renovation plan of Morro Bay State Park that included rehabilitation of the existing campground, expansion of the existing day-use facility, and the realignment of Lower State Park Road. Originally, DPR envisioned realigning Lower State Park Road to provide access to the new campground entrance station. However the road realignment was eliminated because of significant environmental impacts associated with grading and removal of sensitive habitat, the presence of special-status species, and impacts to significant archaeological resources. Expansion of the existing day-use facilities was evaluated and approved via a separate Coastal Development Permit application by the Commission in November 2002. The lone remaining component and perhaps the most significant aspect of the renovation project -the campground rehabilitation- is the subject of this appeal.

Campground rehabilitation includes improving and realigning the campground loop roads, paving parking spurs, constructing three new combination restroom-shower facilities, and relocating the entrance station. Each campsite will be given new amenities such as tables, cupboards, barbeque pits, and facility hookups. Additionally, campground paths, restrooms, and shower facilities will be made ADA compliant. To allow more light to penetrate onto the campground floor and to facilitate the campground loop road realignment and parking spurs, DPR proposes to remove 74 trees or shrubs. Tree removal will be mitigated by planting approximately 1200 trees and shrubs taken from a palette of native species. The site of the existing entrance station will be revegetated with trees and shrubs and a series of retention basins will be placed around the campground to retain storm water runoff.

## 4. Substantial Issue Findings

### A. Applicable Policies

The Appellants' allegations specifically focus on the project's consistency with the certified LCP policies raised by the City Council. Those policies state:

#### 1. Shoreline Access and Recreation Policy 1.32



*As a condition to the approval of any permit applications for developments within Morro Bay State Park, the City shall require the State Department of Parks and Recreation to develop a master plan for the Morro Bay State Park. The master plan shall be consistent with the provisions of Chapter 3 of the Coastal Act and shall include the following specific provisions:*

- a. Designation of the State Park lands as open space/recreation land uses.*
- b. Improvements to the existing circulation system including:*
  - (1) Retention and improvement of the existing park entrance road through the park which connects South Bay Boulevard with Main Street.*
  - (2) Provision of a bicycle and jogging trail adjacent to the park entrance road from Main Street to South Bay Boulevard.*
  - (3) An improved, more clearly defined, three-way intersection at the South Bay Boulevard park entrance.*
  - (4) Retention and improvement, without expansion, of the existing marina development at Midway Marina as a recreational boating facility.*
- c. An implementation plan for the utilization of reclaimed water for irrigation.*

## **2. Visual Resource Policies**

**12.01** *The Scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic and coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated on Figure 31, shall be subordinate to the character of its setting.*

**12.02** *Permitted development shall be sited and designed to protect views to and along the coast and designated scenic area and shall be visually compatible with the surrounding areas. Specific design criteria shall be established for the following areas:*

- a. The Embarcadero*
- b. Downtown Commercial Area*

*The criteria shall include the following specific requirements and shall be applied to proposed projects on a case-by-case basis during architectural review:*

- a. Building height/bulk relationship compatible with existing surrounding uses;*
- b. Landscaping to restore and enhance visually degraded areas using native and drought*



*resistant plant and tree species;*

- c. Preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock;*
- d. Any other requirements applicable from Coastal Commission conceptual approval of the Urban Waterfront Restoration Plan.*

### **3. Zoning Ordinance 17.48.190 Protection of Visual Resources and Compatible Design.**

*New development shall protect and where feasible, enhance the visual quality of the surrounding area. New development may be permitted only if the siting and design meet the following standards:*

- a. Protection of public views: significant public views to and along the coast are protected.*
- b. Natural Landform Alteration: alterations to natural landforms are minimized.*
- c. Compatibility: the development is visually compatible with the character of the surrounding area and any design themes adopted for the area by the city.*
- d. Visual Quality: restores and enhances visual quality in visually degraded areas.*
- e. Scenic Area Standards: in highly scenic areas, as depicted in the Morro Bay coastal land use plan/coastal element, the following additional standards shall also apply:*
  - 1. Character: the proposed development shall be subordinate in character to its surroundings.*
  - 2. Height/Bulk: the height/bulk relationships in the development shall be compatible with the surrounding area.*
  - 3. Parks or Open Space: parks or open space shall be designated and incorporated into new developments.*
  - 4. View Corridors: view corridors shall be incorporated into the development to protect significant public views to and along the shoreline and other scenic areas.*
  - 5. Landscaping: landscaping shall be provided to restore and enhance visually degraded areas using native, if feasible, and drought-resistant plant and tree species.*
  - 6. Preservation and Enhancement: preservation and enhancement of views of the ocean, bay, sandspit and Morro Rock.*





## B. Analysis of Consistency with Applicable Policies

### Shoreline Access and Recreation 1.32

The City Council of Morro Bay denied the project on the basis that it is in conflict with the Local Coastal Program including but not limited to Shoreline Access and Recreation Policy 1.32. As highlighted above, LCP policy 1.32 requires the Department of Parks & Recreation (DPR) to develop a master plan for Morro Bay State Park. In compliance with this policy, the Morro Bay State Park General Plan was prepared and approved by the City of Morro Bay, City Council, on March 14, 1988. The council found the GP to be in compliance with the general provisions of the certified LCP Land Use Plan and it was formally adopted by the State Park and Recreation Commission on June 10, 1988. The proposed project is consistent with the Park's General Plan. As a result, it appears the proposed project is also consistent with the LCP's Shoreline Access and Recreation policy 1.32.

Thus, denial of the project raises a substantial issue with respect to the project's consistency with the certified LCP Shoreline Access and Recreation policy 1.32.

### Visual Resource Policies

The City Council also determined the proposed project was inconsistent with the LCP's visual resource policies 12.01 and 12.02. Those policies require the scenic and visual qualities of coastal areas to be considered and protected. Development must be sited and designed to protect views to and along the ocean and scenic and coastal areas. All development must also minimize landform alteration, be visually compatible with the character of surrounding areas and where feasible, restore and enhance the visual quality in visually degraded areas. New development in highly scenic areas shall be subordinate to the character of its setting. Additionally, visual policy 12.02 requires specific design criteria to be established for the Embarcadero and the downtown Commercial area.

#### a. Policy 12.01

Morro Bay State Park is located in a scenic coastal setting along the shoreline of Morro Bay. The visual characteristics of the park include a forested campground and day use area; a hillside golf course; a marina; a broad salt marsh area; upland areas with volcanic plugs; and nearby Morro Rock. Because of its scenic coastal bay and hillside setting, the project area possesses several important view corridors and vistas. Views are available from the edges of the campground area to the bay, salt marsh, golf course, and coastal hills. Golf course users have a broad view of Morro Bay, Morro Rock, the campground forest, and the salt marsh. The view from Lower State Park Road is of the salt marsh and trees surrounding the park. Upper State Park Road views are of coastal sage scrub habitat and trees that line the park.

As part of the project EIR, visual impacts were evaluated from a variety of vantage points within and outside the State Park. The EIR concluded that the proposed project would not significantly alter views from the local scenic routes. Views from South Bay Boulevard and Upper State Park road would not be substantially changed as most of the development occurs within the well-screened boundaries of the park. The new entrance station is sited further inside the campground than the existing station and thus will be fairly well screened from Lower State Park Road. Additionally, all new restroom and shower buildings



will not be visible from outside the campground. In this case, all proposed development will occur within the campground and as such, not significantly alter any views to or along the coast and scenic and coastal areas.

LCP policy 12.01 also requires development minimize landform alteration. The proposed development requires grading for the new entrance facilities and entrance road alignment. The campground loops, parking spurs, and restroom facilities will likewise need to be graded. Though grading is necessary to accommodate the new entrance station and campground rehabilitation, it will be on mainly flat, level land in an area that is already mostly disturbed. Furthermore, Parks intends to maintain nearly half of the original campground loop road alignment. Thus, to the extent that the original campground loop road alignment is maintained, it minimizes the need for additional landform alteration in the park.

To accommodate rehabilitation of the campground, some trees will need to be removed for the aforementioned entrance facility, parking spurs, building slabs, etc. The Department of Parks & Recreation has identified 74 trees that will be cut (a number of these are actually very large shrubs). Almost all trees to be cut are non-native species such as eucalyptus and Monterey pine (only Monterey pines exhibiting signs of advanced pine pitch canker will be removed). The improvements are necessary to direct parking in a campground where it is presently uncontrolled. Currently, vehicles park on bare dirt off the campground loop roads wherever there is space. As a result, there is sometimes very little visual separation between vehicles, campers, and adjacent campsites. The uncontrolled parking has led to soil compaction and a significant degradation of the campground environment. Tree removal will facilitate construction of parking spurs, which in and of itself will improve the campground experience. Parks also plans to revegetate the campground with over 1200 native plants and trees that will provide visual separation between campsites and result in an improved visual quality of the campground area both internally as experienced by campers, and externally as viewed from by travelers on Lower State Park Road. Because the existing tree canopy is very dense, a limited amount of tree removal will not upset the integrity of the forest canopy. In fact, removal of some trees will allow light to penetrate the dense upper forest canopy and foster growth of the lower canopy and coastal scrub species (i.e., oaks, sage scrub, etc.).

Overall, the project will restore and enhance the visual quality of the site and be compatible with the character of the setting as required by Visual Resource Policy 12.01. Thus, a substantial issue exists with respect to this project's denial.

#### b. Policy 12.02

Morro Bay State Park campground is an existing facility and the requested coastal development permit is for rehabilitation / renovation of its infrastructure. All improvements will occur within the footprint of the existing campground with the exception of the new entrance road and entrance station. The site of the existing entrance station will be replanted with native oaks and coastal sage scrub vegetation. The new entrance station will be set back 200 feet from Lower State Park Road in an existing forested area that will provide partial screening from the roadway. As such, the permitted development is sited and designed to protect views to and along the coast and designated scenic areas and is visually compatible with the setting as required by Policy 12.02. In addition, the Morro Bay State Park campground is not



located within the Embarcadero or Downtown planning areas and thus the specific requirements for those areas do not apply to the project.

Thus, the denial of the project raises a substantial issue with respect to the project's consistency with the LCP land use policy 12.02 protecting visual resources.

#### Zoning Ordinance 17.48.190

As shown in the findings above, the Morro Bay State Park campground renovation is consistent with the City's LCP policies that protect significant public views and minimize landform alteration. The development is likewise visually compatible with the character of the surrounding area and will restore and enhance the visual quality of the campground. The state park is located in a highly scenic area and as such has incorporated measures to protect the character of the site, avoid out of scale development, protect significant view corridors, and enhance and restore a visually degraded area. The project is consistent with the City's LCP zoning standard 17.48.190.

Thus, the denial of the proposed project raises a substantial issue with respect to the projects consistency with the LCP zoning ordinance standards protecting visual resources.

#### Substantial Issue Conclusion

The appellant contends that the proposed project is consistent with LCP land use and zoning policies for providing public access and recreational opportunities and protecting visual resources partially because they have prepared a management plan for Morro Bay State Park and have adequately addressed the potential visual resource impacts. Staff has evaluated the project's consistency with the certified LCP policies listed above and determined that the proposal is consistent with the access and visual policies in the LCP. As a result, the Commission finds that denial of the project raises a substantial issue with respect to this project's conformance with the City of Morro Bay certified LCP.

## 5. Staff Recommendation on De Novo Permit

The staff recommends that the Commission, after public hearing **approve** the Morro Bay State Park rehabilitation coastal development permit with conditions.

**MOTION:** *I move that the Commission approve Coastal Development Permit No. A-3-MRB-03-043 pursuant to the staff recommendation.*

#### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

#### **RESOLUTION TO APPROVE THE PERMIT:**



The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the certified City of Morro Bay Local Coastal Program. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

## 6. Conditions of Approval

### A. Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### B. Special Conditions

1. **Drainage, Erosion, and Sedimentation Control. PRIOR TO ANY SITE DISTURBANCE,** the Applicant shall submit, for Executive Director review and approval, Drainage, Erosion, and Sediment Control Plans that incorporate the following provisions:
  - a. **Implementation of Best Management Practices During Construction.** The Drainage and Erosion Control Plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; provide for the



installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas; and provide for the hydro seeding of disturbed areas immediately upon conclusion of construction activities in that area. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; any the immediate clean-up of any leaks or spills.

The plans shall indicate that **PRIOR TO THE COMMENCEMENT OF GRADING**, the applicant shall delineate that the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

**b. Post Construction Drainage.** The drainage plan shall identify the specific type, design, and location of all drainage infrastructure and Best Management Practices (BMPs) necessary to ensure that post construction drainage from the project, including runoff from the roof, driveway and other impervious surfaces, does not result in erosion, sedimentation, or the degradation of coastal water quality. The capacity of drainage features and BMPs shall be adequate to treat, infiltrate or filter the amount of storm water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. In areas where rocks or other energy dissipation structure may be needed, they shall be located outside of sensitive habitat areas and natural drainage corridors to the maximum extent feasible, and shall be limited in size and footprint to the minimum necessary to achieve effective erosion control.

The applicant shall be responsible for implementing and maintaining drainage, erosion, and sedimentation control measures and facilities for the life of the project. This shall include performing annual inspections, and conducting all necessary clean-outs, immediately prior to the rainy season (beginning October 15), and as otherwise necessary to maintain the proper functioning of the approved system.

The Permittee shall undertake development in accordance with the approved Plans. Any proposed changes to the approved Plans shall be reported to the Executive Director. No changes to the approved Plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

**2. Revised Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicant shall submit for Executive Director review and approval, revised plans that provide:

- a. No trees will be removed within 100 feet of the dripline of any tree used by monarch butterfly as over-wintering habitat, unless accompanied by a determination by a qualified biologist that the any proposed removal of any tree within 100 feet of the identified habitat will provide enhanced roosting opportunities.



- b. The parking lot adjacent to the monarch butterfly habitat has been relocated to a location a minimum of 100 feet from the dripline of any tree used by monarch over-wintering habitat.
  - c. An revised roadway plan that provide an alternative through route during the butterfly over-wintering period that is at least 100 feet from the butterfly over-wintering habitat.
  - d. A revised drainage plan consistent with Special Condition 1 that eliminates the proposed infrastructure (i.e., 12" pipe culvert) to drain ponding water in the butterfly over-wintering habitat area.
3. **Timing of Construction.** Construction of the campground loop roads, parking spurs, and tree removal shall not take place during the months that monarch butterflies are over-wintering at Morro Bay State Park (i.e. from October through February). **PRIOR TO THE REMOVAL OF ANY TREES**, a licensed biologist shall perform a pre-construction survey for potential raptor nesting sites. If active raptor nests are found within 500' of trees proposed for removal, no tree removal will occur in these areas during the raptor nesting season, i.e., between March and August.
4. **Restriction on Use.** Occupation of any campsites or use of the portion of the vehicle access road within 100 feet of the over-wintering habitat shall be prohibited between the months of October and February when monarch butterflies are over-wintering. Use of vehicle access roads shall be allowed during this prohibited period for emergencies only.
5. **Revised Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicant shall submit for Executive Director review and approval, a revised landscaping plan that includes a combination of non-invasive monarch butterfly nectar plants and native plants. The plan shall provide for planting of all disturbed areas with native species, prohibit the use of non-native or invasive species, and include a long-term monitoring and maintenance plan. The landscape plan shall state that pesticides shall not be used on the landscaping within the park.
6. **Incorporation of Mitigation Measures and Monitoring Program.** Mitigation Measures submitted by the Applicant on March 21, 2003 and attached as Exhibit D are hereby incorporated as conditions of this permit. Any revision or amendment of these adopted conditions and mitigation measures or the project plans shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.
7. **Archaeology. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit an archaeological mitigation and monitoring plan prepared by a qualified subsurface archaeologist, for review and approval of the Executive Director. The plan shall include a description of monitoring methods, frequency of monitoring, procedures for halting work on the site and a description of reporting procedures that will be implemented during ground disturbing activities to ensure that cultural resources are not disturbed. This shall include a list of



the personnel involved in the monitoring activities and their qualifications, and shall include qualified local Native Americans as project monitors.

**DURING ALL GROUND DISTURBING ACTIVITIES**, the applicant shall retain a qualified archaeologist, approved by the Executive Director, to monitor all earth disturbing activities per the approved monitoring plan. The applicant shall also include qualified local Native Americans as project monitors. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource, and a new plan shall be submitted that avoids such resources that shall be submitted for the review and approval of the Executive Director.

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the archaeological monitor shall conduct a training session with construction personnel discussing the cultural sensitivity of the area and the protocol for discovery of cultural resources during construction. The archaeological monitor shall also inform all qualified local Native Americans of the timing of construction and their opportunity to participate in construction monitoring.

## 7. Coastal Development Permit Findings

By finding a substantial issue, the Commission takes jurisdiction over the CDP for the proposed project. The standard of review for this CDP determination is the City of Morro Bay LCP.

### A. Water Quality

#### 1. LCP Water Quality Protection Standards

The City's certified Land Use Plan contains policies that provide for the protection of coastal waters and wetland habitat. Specifically, LUP Policy 11.17 states in part:

*The biological productivity of the City's environmentally sensitive habitat areas shall be maintained and where feasible restored through maintenance and enhancement of the quantity and quality of Morro and Chorro groundwater basins and through prevention and interference with surface water flow.*

LUP Policy 11.19 states, in part:

*New development adjacent to wetlands shall not result in adverse impacts due to additional sediment, runoff, noise, or other disturbance.*

#### 2. De Novo Water Quality Analysis

The proposed rehabilitation project includes a wide range of campground improvements that have the



potential to increase runoff and affect water quality at Morro Bay State Park. Features of the campground rehabilitation include reorientation and construction of a new entrance station, realignment and widening of the existing campground loop roads, construction of new restroom-shower facilities, and construction of paved campsite parking spurs. A new entrance station/kiosk and vehicle staging area will be constructed at the western edge of the park, which will lead to additional impermeable coverage, though some of these hard surfaces would be offset by the removal of the existing entrance station. The existing campground loop roads will be widened and realigned to enhance visitor safety and provide emergency vehicle access. Three new restroom-shower facilities will be added for visitor convenience and achieve compliance with the requirements for the Americans with Disabilities Act. In addition, approximately 115 parking spurs will be installed and paved to improve year-round use in the park and eliminate impacts associated soil compaction.

DPR has estimated the increase in impermeable surfaces at Morro Bay State Park associated with rehabilitation of the campground facilities at approximately 38%. Because the primary use of the new campground loop roads is for vehicle traffic and parking of cars, light trucks, and motor homes (i.e., RV's), runoff from these sites will likely include pollutants typically associated with motor vehicles (e.g., oils, brake dust, fluids, etc.). Parking areas also tend to accumulate other types of solid wastes such as paper, cigarette butts, etc. All of these waste streams pose a threat to the nearby estuary, salt marsh, and the sensitive species that inhabit them.

Recent studies have shown that even an increase of 10% in impervious surfaces can lead to a serious degradation in coastal aquatic ecosystem health. To address this issue, the applicant proposes to incorporate best management practices to eliminate, avoid, and minimize entrainment of these wastes. The entrance station and individual campground loops will have trash enclosures and recycle bins at various convenient locations for receiving larger solid wastes. The park's maintenance workers will be responsible for regularly collecting and properly disposing of expended items such as paper, cans, bottles, plastics, etc. Solid waste from trash enclosures will be collected and transported to a landfill. Campground visitors will receive written information upon arrival highlighting the sensitivity of the Nature Preserve and identifying the location of waste receptacles and recycle bins. In addition, maintenance crews will also regularly service the restroom facilities to ensure all solid wastes are appropriately handled.

To reduce the potential for water quality impacts from runoff of the campground loop roads, parking spurs, entrance station, and restroom facilities, the Department of Parks & Recreation has incorporated drainage retention basins into the project to capture runoff and allow for natural filtration and absorption of pollutants prior to it being conveyed offsite into the salt water marsh ESHA to the south and the east of the park. All along the southern edge of the park in the area of the campground, the underlying soils are composed of Baywood fine sands and dune land. These gently rolling deposits of windblown sand and stabilized sand dunes allow rapid permeability of surface storm water and slow the velocity of surface runoff. State Parks has identified several drainage retention areas in and around the campground to direct storm water runoff and mitigate for potential adverse storm water impacts. As proposed, the Best Management Practices identified for minimization and collection of solid waste along with the designed on-site drainage features are adequate to ensure that increase in impervious coverage will not lead to





adverse impacts on coastal waters.

As noted above, there are potential construction impacts that could affect coastal waters as well. The rehabilitation efforts will require the use of heavily machinery and vehicles (e.g., dump trucks, grader, pickups, etc.). There will be trees, campground facilities, asphalt, and debris to be removed. Campground surfaces and soils will be disturbed. Construction of kiosks, restrooms, showers, loop roads, and parking spurs will introduce new potentially toxic materials to the campground (e.g., cement, oils, paints, etc.). Parks has submitted a Mitigation Monitoring Program that addresses fugitive dust associated with construction activities but does not include any mitigation measures or best management practices for controlling erosion and sedimentations that could result from construction activities. Because these activities all have the potential to significantly degrade coastal waters and aquatic habitats, Special Conditions are needed to bring the project into conformance with the certified LCP. Specifically, Special Condition 1 requires Best Management Practices to be implemented before, during, and after construction to ensure that additional sediment and fouled runoff do not enter into the Morro Bay Estuary and groundwater basins.

### 3. De Novo Water Quality Conclusion

As proposed, the Department of Parks & Recreation has not sufficiently incorporated Best Management Practices and mitigation measures into the project to minimize and avoid potential adverse impacts and fouling of coastal waters. Therefore, the Commission finds that only as conditioned, the proposed project is consistent with the City's certified LCP policies (i.e., 11.17 and 11.19) protecting coastal waters and wetlands habitat.

## B. ESHA

### 1. LCP ESHA Protection Standards

The City's certified Land Use Plan contains policies that provide for the protection of environmentally sensitive habitat. Land Use Plan Policy 11.01 states in part:

**11.01** *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values and only uses dependent on such resources shall be allowed within such areas.*

Land Use Plan Policy 11.02 states in part:

**11.02** *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be site and designed to prevent impacts which would significantly degrade such areas, and shall maintain the habitat's functional capacity.*

Land Use Plan Policy 11.06 states in part:

**11.06** *Buffering setback areas a minimum of 100 feet from sensitive habitat areas shall be*



*required. In some habitat areas setbacks of more than 100 feet shall be required if environmental assessment results in information indicating a greater setback area is necessary for protection. No permanent structures shall be permitted within the setback area except for structures of a minor nature such as fences or at-grade improvements for pedestrian or equestrian trails.*

Land Use Plan Policy 11.09 states in part:

**11.09** *The recreational use of rare or endangered species habitats shall be minimal (i.e., walking, bird watching). Protective measures for such areas should include fencing and posting so as to restrict, but not exclude, use by people.*

## 2. De Novo ESHA Analysis

The park's natural areas contain numerous sensitive biological resources including rare habitats and special status species. The park includes Morro Bay Estuary and a large salt marsh. This coastal salt marsh is dominated by pickleweed and saltgrass. This type of habitat supports numerous sensitive species and is protected by state and federal law. The estuary is fed by Chorro Creek, which also provides riparian habitat of high value to wildlife. The proposed campground renovation does not affect the salt marsh, estuary, or riparian habitat.

The project area is also near areas of coastal sage scrub habitat, which supports a diversity of wildlife species including the striped racer, brush rabbit, California pocket mouse, sage sparrow, California quail, and California thrasher. The coastal sage scrub habitat consists primarily of sagebrush, coyote brush, mock aster, and goldenbush. Similarly, the proposed campground renovation will not affect the coastal sage scrub habitat.

By comparison, the natural environment of the campground largely consists of non-native vegetation including eucalyptus, Monterey pine, Monterey cypress, and assorted shrubs. Although non-native, the trees in the campground provide habitat for some native species including the monarch butterfly. A large grove of eucalyptus trees used by monarch butterflies as an over-wintering site is located in the north campground area (see Exhibit 3). Monarch butterflies have been using the northern section of the campground as a wintering and roosting site for a number of years. The numbers of butterflies occupying the roost site varies from year to year, reaching the thousands in some years. The roosting site is surrounded by existing campsites and subject to campground activity and noise. The proposed new layout of the campground loop road and campsites has been designed to avoid and preserve roosting trees as much as possible, but nonetheless includes the removal of 13 eucalyptus within 100 feet of the habitat. Although this species is not listed as a state or federal species of concern, it is considered a sensitive resource by the Department of Fish and Game.

A number of special status raptor species are also known to occur at Morro Bay State Park, including peregrine falcons, red-tailed hawks, Cooper's hawks, osprey, northern harrier, and red-shouldered hawk. These raptors use the large eucalyptus and Monterey pine trees in the campground and nearby areas for perching and some species could use them for nesting. The nearby salt marsh and coastal sage scrub habitat provide suitable foraging opportunities for raptors.



The proposed project involves the removal of a significant number of trees within the campground. Complaints regarding tree removal was one of the main comments received during the project EIR and one of the appeal contentions evaluated at the City Council. Tree removal is necessary to accommodate widening of the campground loop roads, paving of parking spurs, and construction of the new entrance road and kiosk. In all, 109 trees are identified on the Tree Removal Diagram dated August 7, 2002, though this number has subsequently been reduced to 74 trees. See Exhibit C. A significant concentration of tree removal occurs in the north campground loop near the butterfly trees where 13 trees are earmarked for removal. Sixteen trees are proposed for removal in the “new” campground loop and another 10 are identified near the entrance station. Tree removal of this magnitude is a concern particularly given the approximation to Morro Bay Estuary and the numbers of birds and insects that nest, roost, and forage in the forested canopy.

To address these issues, the applicant is proposing to perform pre-construction monitoring of potential raptor nesting sites and if nests are found within 500’ of any tree planned for removal, tree removal will be postponed in such areas until after nesting season is complete. Raptor nesting season generally occurs between March and August. By this time, raptor chicks will have hatched and fledged reducing the chance they would perish when trees are cut. The applicant is also proposing to replace the trees removed during construction. The project includes replanting 400 lower canopy trees such as coast live oak, wax myrtle, and toyon. In addition, several hundred low-lying shrubs will be planted as well.

With respect to Monarch butterflies, none of the trees proposed for removal provide roosting habitat. Additionally, the applicant will avoid removal of any trees near the roost site when Monarch’s are present between the months of October and March. However, removal of trees for the new campground loop could alter the microclimate surrounding the butterfly winter roost. Monarch butterflies are very sensitive to the microclimate when choosing roosting sites. The insects choose trees with a good exposure to the south for sunlight and also rely upon sites with additional buffering trees to minimize exposure to winds. Removal of large trees near the wintering site may change the immediate environment by reducing the thermal and wind barrier provided by trees surrounding the site. In this particular case, the applicant proposes to remove 13 trees within the eucalyptus groves that host the over-wintering butterflies and make improvements for 19 campsites with paved parking spurs. Additionally, DPR proposes to construct a small parking lot within close proximity to the roosting habitat.

Although eucalyptus groves in and of themselves are not representative of environmentally sensitive habitat, in the limited cases where they provide habitat for over-wintering Monarch butterflies, the Commission has typically concluded that these sites do, in fact, constitute ESHA. See, for example, MRB-MAJ-1-99. In the referenced LCP amendment, the Commission found that although the trees were not mapped as environmentally sensitive habitat and although the habitat on the interior of the property had been degraded, the site met the definition of an environmentally sensitive area as defined in Coastal Act Section 30107.5. In this case, the portions of the site that provide over-wintering habitat qualify as ESHA under LCP. As a result, the proposed project must comply with LCP policies requiring sensitive habitat areas be protected against significant disruption, that the recreational use of rare or endangered species habitat be minimized, and that new development be setback 100’ from ESHA.

The proposed reorientation of the campground entrance station and loop roads will alter the primary



traffic patterns within the park. Under the existing traffic pattern, the campground loop road in the area of the butterfly trees provides access to visitors camping in the northern quarter of the campground. The new entrance station and circulation pattern will result in an increase in road use within 100 feet of the butterfly habitat. Road use in this area will increase substantially as it now becomes the only means to reach the park maintenance yard, the waste receptor site for RV's, 2 group campsites, and access for 2 realigned campground loops. Although the change in traffic flow is not an issue during the peak visitation season (i.e., summer and fall), it is a significant concern during winter months when monarch butterflies are present and at risk of being smashed by cars. Increased vehicle emission adjacent to the habitat may also diminish the habitat quality. The change in traffic represents an intensification of use for which there has been no mitigation proposed.

To bring the project into conformance with the LCP, the Commission recommends Special Condition 2 requiring revised plans that generally prohibits the removal of any trees within 100 feet of the monarch butterfly roosting area consistent with LCP policy 11.06 for buffering around ESHA. Special Condition 2 also requires the applicant relocate the small parking area at least 100 feet from the monarch habitat. The existing conditions at the eucalyptus grove attracts thousands of over-wintering monarch's, thus, prohibiting tree removal will ensure that the sensitive habitat and microclimate is preserved. Any proposals for tree removal shall be accompanied by sufficient biological evidence that tree removal will enhance monarch butterfly habitat or is necessary to maintain public safety and health. The Commission also recommends Special Condition 3 restricting the timing of construction to avoid the months that monarch butterflies are over-wintering at the Park. Additionally, Special Condition 3 requires incorporation of Park's pre-construction survey for nesting raptors mitigation measure [4.7-2]. If raptors are found to be nesting within 500' of any tree planned for removal, no tree removal in such areas shall occur during the raptor nesting season between March and August. Special Condition 4 limits use of the campsites in the butterfly tree campground loop and the main campground arterial road to the months when monarch butterflies are absent from the Park (i.e., March – September). Closing these campsite roadways during the low visitation season when monarchs are present will ensure that the butterflies are not run over or trampled when on the ground and will require a revised circulation plan to be prepared in accordance with Special Condition 2. Special Condition 5 requires a revised Landscape Plan that includes a combination of native plants that provides nectar for monarch butterflies and implements a ban on the use of pesticides within the park. As conditioned the butterflies will have a source for nectar and not be subject to potential poisons.

### 3. De Novo ESHA Conclusion

The Department of Parks & Recreation has proposed development in an area that is considered to be sensitive habitat for monarch butterflies. As currently proposed, the development has the potential to disrupt and/or degrade this habitat. The Commission has therefore, required special conditions to incorporate mitigation measures and best management practices to ameliorate any adverse impacts associated with the development. As so conditioned, the proposed campground renovation is consistent with the City's certified LCP environmentally sensitive habitat policies.

## C. Access and Recreation/Visitor Serving



## 1. LCP Access and Recreation Protection Standards

Coastal Act section 30603 states that the grounds for appeal of a denial of any public works project shall be limited to an allegation that the project is consistent with the standards in the certified local coastal program and the public access policies of Chapter 3 of the Coastal Act. Morro Bay State Park is located adjacent to Morro Bay estuary and the marina both, which provide significant public access and recreational opportunities. A finding was made in the substantial issue section above, that the proposed development is consistent with the City's Shoreline Access and Recreation policy 1.32. Those findings are incorporated by reference herein. Local Coastal Program policy 2.01 provides for retention of lower-cost visitor serving facilities. It states in part:

**2.01** Lower-cost visitor serving and recreation facilities for persons and families of low or moderate income shall be protected, encouraged, and where feasible, provided. Developments providing public recreational opportunities are preferred.

Additionally, LCP policy 2.06 states:

**2.06** *The removal or conversion of lower-cost visitor-serving uses and facilities shall be prohibited unless the use will be replaced by a facility offering comparable visitor-serving opportunities. Demolition of lower-cost visitor-serving facilities shall be prohibited unless the City finds that the facility is structurally unsound and the cost of rehabilitation would make the existing use uneconomical, as defined in phase III of the local coastal program.*

And Coastal Act Section 30210 states:

**Section 30210:** *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

## 2. De Novo Access and Recreation Analysis

The proposed renovation of the campground is within the boundaries of Morro Bay State Park and is for the specific purpose of providing public access and low cost visitor serving recreational opportunities along the Morro Bay estuary. The City's shoreline access and recreation policy 1.32 requires the preparation and adoption of master plan for the state park unit. The master plan was completed in 1988 and provides for the type of renovation and ongoing rehabilitation work proposed for the campground. The 28-acre campground currently has 135 overnight campsites (individual, group, hike/bike), 31 enroute camps, 2 group camps, picnic sites, a campfire center, an exercise trail, restrooms and a sewerage sanitation station, and park administration facilities (i.e., entrance station, maintenance yards, state park residences). A full-service marina serving both the local and regional community is located southwest of the campground. The Museum of Natural History is located north of the marina at Windy Cove and serves to educate visitors about the local terrestrial and marine resources through interpretive facilities and exhibits. Directly north and adjacent to the campground is an 18-hole public golf course.



The proposed campground renovation is intended to enhance recreational opportunities at the park and improve existing use. Most of the Morro Bay State Park facilities were constructed prior to 1950 and are in need of significant repair/upgrade. Of the 135 existing campsites, only 20 have paved parking spurs. This project will provide each of the 115 campsites with its own designated, paved parking spur to improve year-round use, protect natural resources, and prevent soil compaction throughout the campground. 19 campsites will each have an additional parking space to accommodate an extra vehicle. There will be a new entrance station and staging area. The new entrance is sought to lessen traffic backup on Lower State Park Road. Restroom buildings are worn out and constructed of materials that are difficult to maintain. The proposal includes construction of three new restroom/shower combination buildings that will provide access for the disabled. (There is currently only one combination building in the campground). Construction of newer, wider campground loops will facilitate emergency vehicle access. All of these improvements add up to a better user experience. Accordingly, the project is consistent with the certified LCP and Coastal Act public access and recreation policies.

### 3. De Novo Access and Recreation Conclusion

The proposed project is consistent with the applicable LCP policies and standards. The project will further these policies because it will improve a low-cost visitor-serving facility among other ways by providing access for disabled persons, new restroom-shower buildings, increased privacy for campers, and native landscaping that will enhance the park's habitat value and user experience. As such, the Commission finds the proposed renovation of Morro Bay State Park consistent with the certified LCP Access and Recreation policies as well as Access and Recreation policies in Chapter 3 of the Coastal Act.

## D. Visual

### 1. LCP Visual Protection Standards

See the Visual Resource Policies and Standards in the Substantial Issue findings above.

### 2. De Novo Visual Analysis

Due to distance and vegetation cover, the project will not be visible from State Highway 1 or from South Bay Boulevard, an important gateway to the Morro Bay community and primary entrance to Morro Bay from the south. Located north of Lower State Park Road, the project site will be adequately screened by densely populated eucalyptus trees along the roadway and will not affect any public views to or along the coast or bay. The proposed project will not be visible from the City of Morro Bay Harbor facilities to the north, although the new entrance station road may be visible from the marina directly adjacent to the project site. Since a previously proposed road realignment that posed significant impacts has been eliminated from the proposed project, landform alteration will be reduced to minor realignment of the campground loops. No other significant landform alteration or grading will occur. Finally, the proposed rehabilitation will enhance and restore visually degraded areas within the campground by constructing distinct parking spurs and replanting native vegetation in and around existing campsites. The new restroom and parking spurs likely will not be visible from any location outside the campground due to the surrounding vegetation. Furthermore, the applicant is proposing to use native plants to revegetate the site



of the existing, entrance station that will be removed. The balance of the project will have little or no visual impact since there is little structural development and the improvement will occur within the limits of the existing campground. The proposed development is therefore consistent with the City's certified Visual LCP policies and standards.

## E. Archaeology

### 1. LCP Archaeological Standards

The City's LUP policies provide for the protection of archaeological resources. They state in part:

4.01 Where necessary significant archaeological and historic resources shall be preserved to the greatest extent possible both on public and privately held lands.

4.03 An archaeological reconnaissance performed by a qualified archaeologist shall be required as part of the permit review process for projects with areas identified as having potential archaeological sites.

4.05 Where archaeological resources are discovered during construction of new development, or through other non-permit activities (such as repair and maintenance of public works projects) all activities shall cease until a qualified archaeological knowledgeable in Chumash culture can determine the significance of the resource and designate alternative mitigation measures.

### 2. De Novo Archaeological Analysis

Fieldwork for archaeological resources was complete in March 2000 by DPR archaeologists. Two pre-historic sites were identified within the campground area. One site contains a sandy midden consisting of marine shell and flaked stone debitage, a byproduct from stone tool manufacturing. A total of 9 bedrock mortars were identified, along with midden and chert debitage, at the second location. In addition, at least three, possibly four, burials are known within the site. Both road realignment and campground improvements would occur within these sites. DPR has stated that even though human burials and archaeological resources have been discovered at these sites, it was concluded that the site lacks eligibility requirements for California Register of Historic Resources due to the amount of past ground disturbance in the area. Nevertheless, though, construction activities associated with this proposed project have the potential to disturb previously undiscovered archaeological resources and human remains. The LCP requires that such impacts be avoided, minimized, and mitigated in accordance with LCP policies cited above.

DPR has incorporated mitigation measures into the project to avoid disruption of sensitive archaeological resources. The measures specified by Mitigation Monitoring Program 4.8-1 include avoidance of resources, recovery of materials, consulting with Native American representatives on the appropriate treatment of human remains, evaluating resources consistent with CEQA when previously undiscovered archaeological resources are found, and allowing a Native American monitor. Implementation of these measures is required by Special Condition 6. In order to ensure that archaeological resources are



protected to the maximum extent possible as provided by LUP policy 4.01, Special Condition 7 further requires that a Native American representative be present during any ground disturbance activities to monitor for potential impacts to cultural resources. As conditioned, the proposed project can be found consistent with the certified LCP policies for protecting archaeological resources.

## F. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions, which implement the mitigating actions required of the Applicant (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives that would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.

